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| 09/832,863 | 04/12/2001 | Arun Ahuja | CITI0219-US | 1395 |

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|---|---|
| 27510 7590 07/08/2005 | **EXAMINER** |
| KILPATRICK STOCKTON LLP | PATEL, ASHOKKUMAR B |
| 607 14TH STREET, N.W. | |
| WASHINGTON, DC 20005 | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| *Office Action Summary* | 09/832,863 | AHUJA ET AL. |
| | Examiner | Art Unit | |
| | Ashok B. Patel | 2154 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>06 May 2005</u>.
2a)☒ This action is **FINAL.**     2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-23</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

PTOL-326 (Rev. 1-04)                **Office Action Summary**              Part of Paper No./Mail Date 20050705

## DETAILED ACTION

1.      Application Number 09/832, 863 was filed on 04/12/2001.  Claims 1-23 are

subject to examination.

### Response to Arguments

2.  ·    Applicant's arguments filed May 06, 2005 have been fully considered but they are

not persuasive for the following reasons:

**Claim 1:**

**Applicant's argument:**

"Rajan makes no distinction between member and non-member subscribers.

Accordingly, Rajan does not disclose determining a subscriber's status as member or

non-member nor does Rajan disclose prompting a subscriber to select at least on

requested event wherein member and non-member subscribers are presented with

different event options depending on their status. Rajan does not anticipate the

language of independent claim 1 or claims 2-6 which are dependent thereon."

**Examiner's response:**

Rajan elucidates in col. 5, line 6-14, "ISP 15 is adapted, in this example, for

providing Internet connection services as known in the art.  Illustrated within ISP 15 are

a main connection server 33, a mass data-repository 31, and a modem bank 29.  Main

server 33 is directly connected to Internet 11 as shown.  Main sever 33 is adapted to

perform normal Internet service routines as known in the art, and is additionally

enhanced via a unique software instance 51 for enabling practice of the present

invention."

Thus, Rajan makes distinction between member and non-member subscribers. And as such Rajan is "determining a subscriber's status as member or non-member." And thence-forth Rajan is "prompting a subscriber to select at least on requested event wherein member and non-member subscribers are presented with different event options depending on their status.."(as stated above, Rajan's ISP 15's <u>Main sever 33 is adapted to perform normal Internet service routines as known in the art, and **is additionally enhanced via a unique software instance 51** for enabling practice of the present invention.</u>")

**Claim 7:**

**Applicant's argument:**

"As discussed above with respect to independent claim 1, Rajan makes no distinction between member and non-member subscribers. Accordingly, Rajan does not disclose means for determining a subscriber's status as member or non-member nor does Rajan disclose means prompting a subscriber to select at least on requested event wherein member and non-member subscribers are presented with different event options depending on their status. Rajan does not anticipate the language of independent claim 7."

**Examiner's response:**

Please refer to the response provided for claim 1. As such Rajan incorporates the means for making distinction between member and non-member subscribers, and Rajan does incorporate means for determining a subscriber's status as member or non-member and means prompting a subscriber to select at least on requested event

wherein member and non-member subscribers are presented with different event options depending on their status.

**Claim 8:**

**Applicant's argument:**

"There subscription service is not an internal source for financial data. Further, Rajan does not describe generating a summary notification report at the subscriber's request. With respect to dependent claim 12, Rajan does not describe an internal data source and thus does not describe an internal data source that is the financial institution hosting the subscription service."

**Examiner's response:**

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the financial institution hosting the subscription service) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Rajan elucidates in col. 15, line 49-62, "In a preferred embodiment the subscription service of the invention has profiles for each user, and the profile for a user will include a user's data sources, data maintained at each source, passwords and user names to be used for access, and <u>one or more profiles for data aggregation and reporting</u>." As such, Rajan does describe generating a summary notification report at the subscriber's request.

Further Rajan elucidates in col. 15, line 63 through col. 16, line 7, "In the

embodiment just described, a user may specify a broad range of notification conditions

over many sites (metadata), such as for example: (1) notify me when the price for a first

class flight to Atlanta on any of three different airlines falls below $1000; (2) notify me

when my aggregate short-term debt over six credit cards at six different sites reaches

$10,000. Conditions can be even more complicated, such as: Notify me by cell phone

when the value of my stock portfolio according to data at two different brokerages

reaches ten percent of my net worth, and send a report showing the details to my e-mail

address as an attachment to an e-mail message, zipped with a password." Herein

Rajan is clear about its own capability of "generating a summary notification report at

the subscriber's request."

Also, when Rajan clearly states that "notify me when my aggregate short-term

debt over six credit cards at six different sites reaches $10,000. " then Rajan has to

incorporate "a database containing financial information, wherein the financial

information is collected from at least one internal source and at least one external

source.

Rajan also discloses in col. 16, line 6-22 and col. 3, line 62-65 "Alerts may be by

the Internet, by message systems to which a user subscribes, or by wireless network to

devices not enabled for Internet connection, such as pagers and cell phones." Thus

Rajan has a system with a database for generating a notification report at the

customer's request, wherein the notification report includes at least data describing

each notification message sent to the customer during a customer selected period of

time.

**Claim 19:**

**Applicant's argument:**

The undersigned does not disagree that Rajan describes a method for formulating an

alert message containing financial information for a customer, BUT, Rajan does not

describe a notification system hosted by a financial institution -OR- receiving financial

information into a second database of the notification system from at least one outside

source and at least one inside source. The limitation of dependent claim 20 is also not

described by Rajan.

**Examiner's response:**

Rajan also discloses in col. 16, line 6-22 and col. 3, line 62-65 "**Alerts may be by**

**the Internet, by message systems to which a user subscribes, or by wireless**

**network** to devices not enabled for Internet connection, such as pagers and cell

phones."

Rajan also elucidates in col. 3, line 60-63," **Such an alert may or may not**

**include specific data from the sites in addition to the alert."**

Now by referring to col. 17, line 21-27, "Some specific examples of NC criteria

that a user may configure into the monitoring and notification software of the present

invention are listed below.

1) Stock Market/Portfolio Monitoring Across Multiple Accounts:

By summarizing the user's financial information across multiple investment

accounts, the monitoring and notification service of the present invention can alert the

user when his/her net worth changes by a predefined amount on a user-defined

platform. ", Thus Rajan is offering the system that includes "notification system hosted

by financial institution" and "receiving financial information into a second database of

the notification system, wherein the incoming financial information is received into the

second database from at least one outside source and at least one inside source, and

further wherein the incoming financial information received from the at least one inside

source results from a change in at least one customer account maintained by the host

financial institution;"

**Claim 23:**

**Applicant's argument:**

The undersigned submits that claim 23 is allowable for the reasons stated above with

respect to claims 1, 7 and 19.

**Examiner's response:**

Please refer to the responses provided above for claims 1, 7 and 19.

### Claim Rejections - 35 USC § 102

3.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajan et al. (hereinafter Rajan) (US 6,633, 910)

**Referring to claim 1,**

The reference teaches a method for notifying a customer of at least one requested event comprising: providing the customer with access to a notification system (Abstract)

(i) determining a status of the customer as a member customer or a non-member customer of an institution providing the notification system, (ii) generating access data for the customer, (col.5, lines 62 thru col.6, lines 11, The reference inherently envelops the claimed element) and

(iii) prompting the customer for the access data;

prompting the customer to select at least one requested event, wherein a member customer is provided with more event choices than a non-member customer;

storing the customer's at least one requested event selection in a first database;

prompting the customer to select at least one method of notification;

storing the customer's at least one method of notification selection in the first database;(col.3, lines 44-53)

prompting the customer to select at least one time for notification;

storing the customer's at least one time for notification selection in the first database; (col.16, lines 8-10," A user may select a specific frequency (i.e. how often the formula of the request is calculated) for each request entered.")

receiving trigger data from at least a second database into the notification system

that triggers the at least one requested event;

formulating a notification message that includes information about the at least

one requested event; and sending the notification message to the customer via the

customer's at least one method of notification at the customer's at least one time for

notification. (col.3, lines 44-53 "a gatherer for gathering data changes from one or more

Internet sites; a guard for comparing data changes with the condition for notification;

and a notification alert system for notifying the subscriber of a change that meets

the condition for notification.", and col.16, lines 8-10," A user may select a specific

frequency (i.e. how often the formula of the request is calculated) for each request

entered.")

**Referring to claim 2 and 3,**

The reference teaches the method according to claim 1, further comprising prompting

the customer to select a method of payment for using the notification system, and

wherein only non-member customers are prompted to select a method of payment for

using the notification system. (col.5, lines 62 thru col.6, lines 11, The reference teaches

"In the example of a subscriber service, data repository 31 would contain data about

individual subscribers to the service of the present invention (user profiles and other

user-specific records." The reference inherently envelops the claimed element)

**Referring to claim 4,**

The method according to claim 1, wherein at least the steps of providing the customer

with access to a notification system, prompting the customer to select at least one

requested event, prompting the customer to select at least one method of notification,

and prompting the customer to select at least one time for notification are performed by

a customer service representative. (col.3, lines 44-53, col.16, lines 8-10," A user may

select a specific frequency (i.e. how often the formula of the request is calculated) for

each request entered.")

**Referring to claims 5 and 6,**

The reference teaches the method according to claim 1, wherein the second database

contains customer-specific financial account information, and the method according to

claim 5, wherein the customer is a non-member customer. (col.13, lines 44-51, col.5,

lines 62 thru col.6, lines 11, The reference teaches "In the example of a subscriber

service, data repository 31 would contain data about individual subscribers to the

service of the present invention (user profiles and other user-specific records." The

reference inherently envelops the claimed element)

**Referring to claim 7,**

Claim 7 is a claim to a system that carries out the method steps of claim 1.  Therefore,

claim 7 is rejected for the reasons set forth for claim 1.

**Referring to claim  8,**

The reference teaches system for notifying a customer of at least one requested event

comprising: means for generating a customer's financial notification preferences col.13,

lines 44 thru col.14, lines 6) which include,

(i) at least one requested event, (ii) a customer's notification method

preferences;(col.3, lines 44-53), and

(iii) a customer's time for notification preferences; (col.16, lines 8-10," A user may select a specific frequency (i.e. how often the formula of the request is calculated) for each request entered.")

a database containing the customer's financial notification preferences;

a database containing financial information, wherein the financial information is collected from at least one internal source and at least one external source; (col.13, line 44 thru col.14, line 7, Fig.2, ISP's main server 33 and Internet sources 21-25, Fig.4, "Data aggregation software")

a notification message generator for comparing the at least one requested event with the financial information and generating a notification message when the financial information matches the at least one requested event; a notification gateway for sending the notification message to the customer according to the customer's notification method preferences and time for notification preferences; and a database for generating a notification report at the customer's request, wherein the notification report includes at least data describing each notification message sent to the customer during a customer selected period of time. (col.15, lines 13 thru col.16, line 47, and col.3, lines 44-53 "a gatherer for gathering data changes from one or more Internet sites; a guard for comparing data changes with the condition for notification; and a notification alert system for notifying the subscriber of a change that meets the condition for notification.", and col.16, lines 8-10," A user may select a specific frequency (i.e. how often the formula of the request is calculated) for each request entered.")

**Referring to claim 9,**

The reference teaches the system according to claim 8, wherein the at least one

requested event is related to one of the following group consisting of a customer

checking account, a customer savings account, a customer financial portfolio, a

customer credit card, stock quotes, foreign exchange rates, interest rates, and loans.

(col.13, lines 44-63).

**Referring to claim 10,**

The reference teaches the system according to claim 8, wherein the customer's

notification method preferences are selected from the following group consisting of

electronic mail, hypertext mark-up language, pager, mobile phone text messaging,

extensible mark-up language, facsimile, short message service, and telephone. (col.16,

lines 48-63)

**Referring to claim 11,**

The reference teaches the system according to claim 8, wherein the customer's

notification time preferences are selected from the following group consisting of

instantaneously, hourly, daily, weekly, and monthly. (col.16, lines 23-37)

**Referring to claims 12 and 20,**

The reference teaches the system according to claim 8, wherein the at least one

internal source is a financial institution that is hosting the system. (col.4, lines 35-42,

Fig.1, The reference teaches "FIG. 1 is a basic overview of a communication network 9

wherein a data aggregation and tunneling service is hosted and operated according to

an embodiment of the present invention. Communication network 9 comprises a data

packet network 11, which is the well known Internet in this example, an Internet Service

Provider (ISP) 15 (with repository 31 as being the internal source of information), and at

least one exemplary wireless data network 13." And by disclosing its use as stated in

col.13, lines 44-63, it impliedly teaches its application to a financial institution. The

implied teachings taught by the reference relevant of the claimed invention are of a

paramount importance regardless of the location of the system.)

**Referring to claims 13 and 21,**

The reference teaches the system according to claim 8, wherein the at least one

external source is the Internet. (Fig. 1, element 11)

**Referring to claims 14 and 22,**

The reference teaches the system according to claim 8, wherein the at least one

external source is a financial institution that is not hosting the system. (col.13, lines 64-

thru col.14, line 7)

**Referring to claim 15,**

The reference teaches the system according to claim 8, wherein customers are

identified in the first database as being either member customers or non-member

customers. (col.5, lines 62 thru col.6, lines 11, The reference teaches "In the example of

a subscriber service, data repository 31 would contain data about individual subscribers

to the service of the present invention (user profiles and other user-specific records."

The reference inherently envelops the claimed element)

**Referring to claim 16,**

The reference teaches the system according to claim 15, wherein the at least one

external source is a non-member customer's financial institution. (col.13, lines 64- thru

col.14, line 7)

**Referring to claim 17,**

The reference teaches the system according to claim 8, wherein the financial

information includes customer's checking account balance, customer's savings account

balance, customer's portfolio value, stock quotes, and interest rates. (col.13, lines 44

thru col.14, line7)

**Referring to claim 18,**

The reference teaches the system according to claim 8, wherein the means for

generating a customer's financial notification preferences includes a customer service

representative. (col. 10, lines 10-18) "It will be apparent to one with skill in the art that

knowledge workers associated with creating input and output templates may perform

their services from anywhere in a connected network without departing from the spirit

and scope of the present invention. In one embodiment, input templates are supplied

by knowledge workers associated with the service, while output templates are created

by knowledge workers that are associated with various network hosting entities.", col.

15, lines 20-27,"In still other embodiments, configuration of the monitoring and

notification software of the present invention may be accomplished by a knowledge

worker (a customer service representative) employed by the service with configuration

performed as a result of a telephone call, e-mail, fax, or other communication with a

subscriber.")

**Referring to claim 19,**

The reference teaches the method for formulating an alert message containing financial

information for a customer (Abstract) comprising:

storing an alert prompt in a first database of a notification system (Fig.3, element

31) hosted by a financial institution (col.4, lines 35-42, Fig.1, The reference teaches

"FIG. 1 is a basic overview of a communication network 9 wherein a data aggregation

and tunneling service is hosted and operated according to an embodiment of the

present invention. Communication network 9 comprises a data packet network 11,

which is the well known Internet in this example, an Internet Service Provider (ISP) 15

(with repository 31 as being the internal source of information), and at least one

exemplary wireless data network 13." And by disclosing its use as stated in col.13, lines

44-63, it impliedly teaches its application to a financial institution. The implied teachings

taught by the reference relevant of the claimed invention are of a paramount importance

regardless of the location of the system.), wherein the alert prompt includes,

(i) prompt details,

(ii) a preferred method for notifying the customer of the alert message (col.3,

lines 44-53), and

(iii) a preferred time for notifying the customer of the alert message (col.3, lines

54-65); receiving financial information into a second database of the notification system,

wherein the incoming financial information is received into the second database from at

least one outside source and at least one inside source (Fig.1, elements 33, 21, 23, 25)

and further wherein the incoming financial information received from the at least one

inside source results from a change in at least one customer account maintained by the

host financial institution;

comparing the incoming financial information with the prompt details of the alert

prompt in the first database; and

notifying the customer through the preferred method at the preferred time

through an alert message when the prompt details match the incoming financial

information. (col.15, lines 13 thru col.16, line 47, and col.3, lines 44-53 "a gatherer for

gathering data changes from one or more Internet sites; a guard for comparing data

changes with the condition for notification; and a notification alert system for notifying

the subscriber of a change that meets the condition for notification.", and col.16, lines 8-

10," A user may select a specific frequency (i.e. how often the formula of the request is

calculated) for each request entered.")

**Referring to claim 23,**

The reference teaches a method for notifying a customer of at least one requested

event comprising: providing the customer with access to a notification system

(Abstract), including,

(i) determining a status of the customer as a member customer or a non-member

customer of a host institution providing the notification system, (ii) generating access

data for the customer, (col.5, lines 62 thru col.6, lines 11, The reference inherently

envelops the claimed element), and

(iii) prompting the customer for the access data;

prompting the customer to select at least one requested event, wherein the

member customer is provided with more event choices than the non-member customer;

prompting the customer to select at least one method of notification;(col.3, lines

54-65)

prompting the customer to select at least one time for notification;(col.16, line 8-

10)

formulating an alert prompt wherein the alert prompt includes,

(iv) the at least one requested event,

(v) the customer's at least one method of notification, and

(vi) the customer's at least one time for notification; (col.3, lines 44-53)

storing the alert prompt in a first database of the notification system;(Fig.3,

element 31)

receiving financial information into a second database of the notification system,

wherein the incoming financial information is received into the second database ;(Fig.3,

element 31) from at least one outside source and at least one inside source (Fig.1,

elements 33, 21, 23, 25), and further wherein the incoming financial information

received from the at least one inside source results from a change in at least one

customer account maintained by the host institution(col.4, lines 35-42, Fig.1, The

reference teaches "FIG. 1 is a basic overview of a communication network 9 wherein a

data aggregation and tunneling service is hosted and operated according to an

embodiment of the present invention. Communication network 9 comprises a data

packet network 11, which is the well known Internet in this example, an Internet Service

Provider (ISP) 15 (with repository 31 as being the internal source of information), and at

least one exemplary wireless data network 13." And by disclosing its use as stated in

col.13, lines 44-63, it impliedly teaches its application to a financial institution. The

implied teachings taught by the reference relevant of the claimed invention are of a

paramount importance regardless of the location of the system.);

comparing the incoming financial information with the at least one requested

event of the alert prompt in the first database; and

sending a notification message to the customer via the customer's at least one

method of notification at the customer's at least one time for notification when the at

least one requested event matches the incoming financial information. (col.15, lines 13

thru col.16, line 47, and col.3, lines 44-53 "a gatherer for gathering data changes from

one or more Internet sites; a guard for comparing data changes with the condition for

notification; and a notification alert system for notifying the subscriber of a change that

meets the condition for notification.", and col.16, lines 8-10," A user may select a

specific frequency (i.e. how often the formula of the request is calculated) for each

request entered.")

### Conclusion

**Examiner's note:** Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses,

to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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